

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 28, 2017**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Trevor Kesner, Planner II	X
Commissioner Stephen Damron	X	Jace Hellman, Planner I	Absent
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at **6:00 pm**.

Call to Order and Roll Call

1. CONSENT AGENDA

- a) Meeting Minutes for November 14, 2017
- b) 17-06-AN (Annexation), 17-08-S (Pre-Plat), and 17-18-DR (Design Review) - *Findings of Fact and Conclusions of Law*

Commissioner Gealy motions to approve the consent agenda; Commissioner Hennis Seconds, all aye and motion carried 4-0.

2. PUBLIC HEARING

- a) **17-08-AN (Annexation);** The City of Kuna is requesting approval for annexation of approximately 37.6 acres +/- , also known as Danskin Ridge Subdivision No's. 2, 3 and 5, and portions of No. 1, into Kuna City limits with an 'R-2' (Low Density Residential) zoning designation. The subject lands are located on the south side of west Columbia Road, approximately 800-feet east of the intersection of west Columbia and south Ten Mile Roads (Slide Creek Road and Buffalo Creek Lane; respectively), Kuna, Idaho in Section 11, T2N, R1W, B.M.

Trevor Kesner: Thank you Chairman and Commissioners, Trevor Kesner, Kuna City Planner. The annexation petition before you is a unique one. The Danskin Ridge Subdivision was developed in Ada County as a large lot, estate-style community. The homes in Phase 1 were all developed with their own individual septic systems. When phases 2, 3 and 5 were built, those homes were developed using a community septic system where the discharge is treated on site and the effluent that is stored in the pond was historically spread over a large field that was owned by the School District. Well since then, the District has sold or traded that property; I'm not fully aware of the history there, anyway, the effluent now can no longer be spread on that field, which creates a capacity problem for the existing septic pond. The property owner to the south is in the process of developing a subdivision that will bring municipal services very close to the southern boundary of Danskin right next to where the Danskin's system discharges to that pond on the west side. This creates an opportunity for the Danskin residents to resolve this issue by hooking their system into the City's. In 2015, the developer to the south entered into an agreement with the Danskin HOA to obtain the pond in exchange for 33 pre-paid sewer hook-ups, which there are exactly 33 residences that are hooked into the existing community septic system, and they are party to this annexation. In order to make this happen, those properties need to be annexed into city limits to receive sewer services. So, the city is now proceeding with that annexation. The City has obtained

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consents to annex from each affected property owner and those were recorded and are included in your packet. This is a situation where the City and the developer to the south of Danskin can provide the most effective way for the Danskin folks to resolve what is really, a rather urgent situation. **C/Young:** Yeah, I think I read somewhere in there that DEQ was going to fine them? **Trevor Kesner:** Yes, when the pond reached capacity and got up pretty high this spring or summer, DEQ had informed the HOA that if they didn't get it down to certain level, they would fine them up to \$10,000 a day. **C/Damron:** Are those community septic lines able to handle or deliver that effluent to the City's system? **Trevor Kesner:** I honestly don't know. That is something that the Danskin folks would need to find out and they would need to hire an engineer, or collectively authorize a contract with an engineer to figure that out. **C/Hennis:** Is everyone being annexed agreeable and are they ok with the annexation? Are there some residents that are resistive, or maybe not so pleased about being annexed? **Trevor Kesner:** I would say it's the latter. Some residents have expressed their discontent because they feel that they weren't informed enough about the situation, or haven't been kept in the loop as far as what happened two or three years ago when the agreement was signed and they didn't feel they had the essential information. But all property owners have signed consents to annex; or if they purchased their home that the previous owners had signed a consent to annex that was recorded because theoretically, that should be something that is disclosed to them at the time of purchase. Or there may be some residents who just intentionally chose to reside in the County and didn't want to be in a city and now they find themselves being annexed. **C/Damron:** With those pre-paid sewer credits; will that be enough to cover the costs for hooking up? **Trevor Kesner:** No. There are 33 sewer credits and each one is worth the cost of the sewer treatment fee, but each residence would be on the hook for the interceptor fee which is \$829. The cost of annexation is being spread across all 33 residents so that amounts to around \$75 per household. **C/Lee:** Ok. Thank you. So, we'll go ahead and open the public hearing at 6:13 pm, and seeing that there is no one signed up, I will ask is there anyone here that would like to speak and did not get a chance to sign up? Please sign-in here.

David Wadley: My name is David Wadley, I live at 8095 Slide Creek. Personally, I feel I am being backed into a corner by the city and being forced to annex because of this situation. When the gentlemen spoke, I heard him say that the City is not going to allow the HOA to douse anymore because it's hard on their system. Well, that's the City saying they aren't going to allow that solution. **C/Young:** It's actually DEQ that isn't going to allow that dousing anymore. **David Wadley:** Ok well, then what's the difference between dousing and hooking up all these homes and putting additional capacity into the City's system? When we bought our house, we wanted to live outside the city and wanted to live in this area, and now we're going to have to be subject to all these city taxes and I just don't feel that's right. I talked to a civil engineer who lives in our neighborhood the other day. I mean, he lives on Danskin Lane so he's not being annexed, but he said that he's seen the system and suggested that something else could have been done a while ago to make our system work or modifications could have been made to the system that could have possibly dealt with this. I realize the contract was signed in 2015, but I just feel like we're getting forced into this. No disrespect to either city but that's what I have to say. **C/Young:** Thank you. If there's no one else that would like to speak, we'll go ahead and close the public hearing at 6:24 pm. Would staff like to address the gentlemen's comments? **Richard Roats:** Commissioners, for the record, Richard Roats; City Attorney. To respond to the gentlemen's inquiry on pumping the pond and to the spreading of effluent and the acquiescence of a property owner land applied to property which is part of that second development. At this point in time they have no place where they can land apply it. On two occasions the city has allowed the water to be drawn down into the city system. The difference is when that water goes through their treatment facility and out into the pond, it is much cleaner than the city's plant is designed to treat. So, it is essentially clean water going through there. It is not what our North Waste Water Treatment plant is basically dumping pretty clean water into that versus sewage water. So that is the difference for these. As to the issue with annexation, the city made a determination in situations like this because of other

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benefits of the city going to require annexation to provide sewer services. That is why the annexation went through. When these discussions occurred, starting two or three years ago, when the city was brought into essentially how to solve the problem Danskin has. They had allowed their permit to expire. There was no opportunity for land application. As we worked through this process, we did allow the discharging into the city system. The city has made a determination that is no longer an option. Our meeting last night we had a discussion that they do have another option to haul that affluent to one of the other municipalities, that may or may not take it. Which realistically is cost prohibitive. The city feels like it has stepped forward to provide an alternative, at a cost savings for the subdivision. The developer, Mr. Eck, has agreed to put in the lines up to the pond and a manhole. The HOA is required to go from their treatment facility in the park to that man hole cover. We don't know what that cost will be, it may be so much as 30 to 40 feet of pipe, it may be some re-design. There have been some communication issues with the HOA and property owners that have delayed those things. We did, and are trying, to assist them in getting it done so they can save cost on mobilization and engineering. Unfortunately, there are several out there that look at this as being pushed into a corner. I understand that, sympathetic to that, but the city is really providing an option they didn't plan on early on that has come to head because of this type of pond and they need to do the land application to drain that down. Last spring was an emergency situation where they were actually bringing out pumps and hoses. DEQ sent out a letter saying they would be fined \$10,000 per day as the pond was just about at the top. We really worked diligently to try to provide an alternative for the homes owners and resolve this permanently. **C/Young:** Is the pond going to remain once...? **Richard Roats:** What was transferred to the 33 homeowners was a credit of \$4,326 for the sewer connection fee. There is in addition to that an \$829 interceptor fee also. The connection fee was given to them, times 33, in exchange for the pond that was quick claimed to Mr. Eck. That is going to be then converted to a pressurized irrigation facility. It will be cleaned out and then given to the city for the City's pressurized irrigation system. At the point in time that will then become a pond for the irrigation system during the season. **C/Young:** OK. Thank you. Public testimony closed at 6:24pm, which would bring up our discussion. Anyone have any thoughts they would like to start off with? **C/Hennis:** Well, I don't see much of an alternative. Unfortunately, the homes owners are stuck in a bad spot due to the growth of the area as well as the home owners and the school have used the land for other means. Like Mr. Roats said, the only other alternative is the truck this out to another facility, if that's even possible, but that is far more expensive than what they are going to deal with. I understand wanting to be in the county, but they aren't out there trying to help them with this situation either. What negative effects does an annexation have other than taxation. I can't think of too much else. **C/Young:** I think with DEQ's involvement and saying that it won't be allowed any more, puts them in a very hard place. **C/Hennis:** We all know some of the systems used 15-20 years ago are no longer found to be clean enough to reuse and do the same type of design. So, I think we are stuck with some innovation. **C/Damron:** On the other hand, we look at the system they had, the water is too clean. Which is strange to me, if they hook up to the affluent side of their treatment they could all maintain their hook ups and then they could go from the affluent side of their tank where it is being treated in front of the pond and drop into our sewer system there. Save money in that respect. **C/Young:** Right, but I don't think that can be determined with the engineers. **C/Hennis:** Yeah, I don't think that's the question that is here for one. This is just the annexation to provide that service of that hook up to the city utilities. But as I understand it, and I am a different type of engineer, but if you get too diluted of a product into the system it creates havoc. because it's not designed for it. But, again, I don't know. **C/Damron:** But then we have to look at why are they being annexed. It's because of the septic system. Maybe an engineer could figure out how to dirty up that system so they could just drop it straight in, or. **C/Hennis:** But they would still have to be annexed to be connected to the city to provide the service. That's the point. **C/Damron:** I'm just having a hard time, they provided their own septic system as a community. Where everyone else in the development keeps their own septic system unless they are mandated to hook up, but they have them in the ground, they are usable, they are the first ones.

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Everything is current and working properly, the only problem is where's the water going, into the pond and then dowsed out to irrigation. There is a lot of pressure on the homeowner to accept the annexation, just because of that fact. **C/Hennis:** But the city is offering them a choice to eliminate that. The city could walk away and not do anything with it. Then unfortunately the homeowners still have to figure it out and the only option they have at this point is trucking it out. **C/Damron:** And that's where I'm stuck. **C/Hennis:** Because Meridian already denied them any help. That is what I remember from this. It's a matter of not being forced into the city so much as it is the city trying to help. That's why I was trying to see, as a homeowner what's the negative repercussions of that. Some taxes and some stuff there is what they will have to face. I'm sure they've been figuring this out for three years now. **C/Damron:** And nothing else has come up but being able to annex into the city and connect them there. **C/Young:** and if they got to a point where it was critical enough they had to hook up pumps last year that the systems in a bad spot. **C/Laraway:** If I could ask a question to staff. With the existing subdivision out there now, we are going to be providing sewer. Do they already have water, or is it individual wells? **Richard Roats:** They have water provided by the city under an agreement. Originally the well was owned by United Water. The City purchased the well when they were already customers of United Water, we took that over. It is one of the unique circumstances where we are providing a utility to a non-annexed property, but that is because they were existing. **C/Laraway:** So theoretically they've been receiving city services for quit a while now? **Richard Roats:** Water. Yes. **C/Gealy:** It seems the status quo is not a reasonable option. Their system is at, or exceeding capacity. There is a no fields around for them to drain into. It just seems like the community has outgrown the system they started with. It is my understanding that in Danskin phase one, each lot has their own septic system. It is not a community septic system over there. **C/Hennis:** Right, that's what was said. I just don't see any other choice. **C/Young:** I don't and I feel for them, I really do, but I guess if there is no other discussion I'd stand for a motion.

Commissioner Gealy Motions to recommend approval for 17-08-AN (Annexation) for the Danskin Ridge Subdivision No.'s 2, 3 and 5 and portions of No. 1 to City Council with the conditions as stated in the staff report; Commissioner Laraway Seconds, all aye and motion carried 4-0.

- b. **17-11-S (Subdivision) and 17-25-DR (Design Review);** A request from Chuck Christensen with Quadrant Consulting, representing Varialle Construction for preliminary plat and Design Review approval for an approximately 6.8-acre subject parcel within an existing R-6 zone, in order to subdivide the land into 25 single family lots, and an additional two (2) common lots. The site is located on the north side of W. Hubbard Road, approximately 500 feet east of S. Magellan Avenue; addressed as 882 E. Hubbard Road, Kuna, Idaho (APN#: #S1407347180) in Section 7, T2N, R1E, B.M.

Chuck Christensen: My name is Chuck Christensen. I work for Quadrant Consulting, who is the applicant here. Our address is 1904 W Overland Rd. This is a proposed subdivision just to the east of the Patagonia subdivision, north of Hubbard Rd. Consists of 25 lots. We anticipate extending Hubbard Rd to the city standards and access to the subdivision will be made via an extension of Merino Cove. We've reviewed the conditions of approval that the staff as put together in the report and we are ok with all of them. **C/Young:** Are there any questions for the applicant at this time? **C/Gealy:** No questions at this time. **C/Young:** Okay, Thank you. We will have Staff come forward. **Trevor Kesner:** Mr. Chairman, Commissioners for the record, Trevor Kesner, Planner for the City of Kuna. As reflected in the staff report, the applicant proposes 25 single family home lots, and 2 common lots. The common lots consist of approximately 11% of open space for the site or approximately 0.75 acres of the existing 6.8-acre site. The Merino Cove development takes access from the existing Merino Stub Street within the Patagonia development which abuts the subject site to the west. Although the project does not take direct access from Hubbard Road, the applicant has proposed an emergency access easement to the

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site from Hubbard situated between lots 4 and 5. ACHD provided recommendations on this project as exhibit B-4. I also just wanted to make sure that it was on the record that I was introducing two late-coming agency comments from Nampa-Meridian Irrigation District and revised comments from our Public Works Department. These are exhibit B-6 and B-7 and you have hard copies there in front of you. These have been provided to the applicant and are posted to the website as an addendum to your packet, so they are now available to the public. I just wanted to make sure that was on record. ACHD provided recommendations for roadway improvements on Hubbard Road frontage, but the applicant's proposal does not meet Kuna City Code (KCC) 6-4-2-C standards, which require vertical curb and gutter be installed on functionally classified collector and arterial roads. Staff recommends this requirement be specified in the conditions of approval. Specific to the comp plan goal for neighborhood cohesion and connectivity, the Patagonia development next door has proposed to construct a regional pathway along the north side of the Mason Creek Feeder canal -as it borders the northern portion of this site. The applicant has not proposed any internal pedestrian or bike pathways. Other than using the sidewalks on Merino Street or the emergency access easement to Hubbard Road, pedestrians within the development may feel ...for lack of a better term 'encased' by the built environment. Therefore, staff recommends the applicant be conditioned to work with the property owners to the west, east and north of the project to construct a pathway that provides better cohesion between neighborhoods, and accommodates pedestrian access and connectivity. Other than that, property owners within 300 feet of the site were mailed notices on November 7th and the legal was published in the Kuna Melba News on November 8th. The project generally complies with Title 6 of Kuna City Code for Subdivisions, and Title 5 zoning regulations so staff forwards a recommendation of approval to the Commission with the conditions as stated in the staff report and any additional conditions you deem appropriate. With that, I will stand for questions. **C/Young:** Any questions for staff. **C/Hennis:** No, not at this time for me. **C/Young:** Okay, Thank you. So, we will go ahead and open up for public testimony at 6:38pm. Seeing no one signed in to testify. Is there anyone here that would like to testify? Seeing none. I would like to go ahead and close the public testimony at 6:39pm. That brings us to our discussion. To me it seems like that way ACHD requirements are there. If they can work something out with Patagonia it would be a good use of that property where it sits between a large house on one side and engulfed by Patagonia on other sides. **C/Hennis:** Yes, I agree. One thing I'm concerned about is the additional vehicle traffic back through the other subdivision, whether that was considered. **C/Young:** I didn't note anything in ACHD's report that shows concern for that. **C/Hennis:** I was just looking to make sure. It's not a lot of houses, it's a fairly minor subdivision. I think the street access and the emergency access look good. Not sure what we could ask for connectivity, because it just dumps right over into the other lot. But I suppose they can look at that. I agree with staff on that, something needs to be done about that. It's kind of enclosed. Otherwise I think the landscaping out toward Hubbard looks good. It's decent size lots. **C/Young:** Actually, I'm glad they are going into Patagonia so there is not another entrance that close, stacking cars coming out. It works out well. And it was a stub street off of Patagonia. **C/Hennis:** Yeah, these are good size lots. **C/Young:** Any other thoughts? **C/Gealy:** I agree. It's good that the access is through the other subdivision and there is not another access on Hubbard Road. It is 25 homes. I don't see that they have provided any amenities for people that will be living in that area. I would like to see some sort of additional pathway. Even if it connects to another pathway, there should be some amenity to those 25 homes. I have a question for staff. In terms of that emergency access to Hubbard Road between the two lots. What does that look like? Is that gravel? **Trevor Kesner:** I didn't see any specifications on the landscape plan that was submitted of what surface material would be used there. There are many options. I've heard of something called grasscrete was used in Timbermist for their emergency access. That worked out really well, but I'll defer to the applicant for what type of surface material they propose to use. **C/Gealy:** Then there would be some sort of signage to prohibit obstructions of that emergency access? **Trevor Kesner:** Again, on the plans I didn't see specifically what was being used. Maybe there's bollards. Not sure how that's going to look. They proposed, in the landscape plan, there is going to be

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perimeter fencing on either side of that easement so folks on each side won't be encroaching on that easement. My assumption is just bollards. **C/Young:** I think in ACHD's report it's one of their conditions to have signage for the emergency access. **C/Gealy:** Thank you. **C/Hennis:** Could the applicant come up please? A couple of things we wanted to verify. The latest reports from the GIS manager and Nampa/Meridian Irrigation District. You got those today and read those, do you have any opposition or are you in agreeance? **Chuck Christianson:** We saw the report from the GIS Manager and we don't have any objection to what is outlined there. I didn't see the Nampa/Meridian Irrigation report. **C/Gealy:** They had no comment. **Chuck Christianson:** In that case we don't have any objection. **C/Hennis:** Just wanted to verify. While we have you up here, you just heard the last couple of questions regarding the emergency access lane. Do you have an idea of the type of material you're going to use for that any point? **Chuck Christianson:** At this point we haven't selected a material. The surface would have to be capable of supporting the emergency vehicles, so the highway district will require some sort of an engineering report outlining that. We just haven't decided if we're going to use just plain gravel or grasscrete or some sort of permeable pavement. We still have to do a budget analysis on that, and it would have to be properly signed. And bollards probably. **C/Gealy:** My concern is that a neighbor decides that would be a great place to park a motorhome and there is no emergency access. **C/Hennis:** Or a short cut home. I think we would need some sort of bollards or fencing across that. **Trevor Kesner:** Just to be clear, gravel would not be an option. **C/Hennis:** That's per City Code, so. **Troy Behunin:** It would need fencing, put a fence so that eliminates access. **C/Young:** Thank you. Any other thoughts or questions? **C/Gealy:** I don't have a suggestion on the pathway, but I would like to encourage the applicant to work with the surrounding property owners and with staff to address pedestrian connectivity. **C/Young:** Ok. I guess I'll stand for a motion.

Commissioner Hennis Motions to recommend approval to City Council 17-11-S for Merino Cove Subdivision with the condition outlined in the staff report, also with the additional condition that the applicant work with the city and neighborhood to pick out the proper materials for that emergency access corridor and the restriction across both ends for traffic and also to work with the city to provide some connectivity somewhere in the north end of it to get some access for the pedestrians to move around; Commissioner Gealy Seconds, all aye and motion carried 4-0.

Commissioner Hennis Motions to approve 17-25-DR for Merino Cove Subdivision with the condition outlined in the staff report, also to work with the city and neighborhood to pick out the proper materials for that emergency access corridor and the restriction across both ends for traffic and also to work with the city to provide some connectivity somewhere in the north end of it to get some access for the pedestrians to move around; Commissioner Gealy Seconds, all aye and motion carried 4-0.

- c. **17-10-S (Pre-Plat) and 17-23-DR (Design Review);** A request from Kirsti Grabo with KM Engineering, for approval to subdivide approximately 132.80 acres, (previously zoned R-4), into 530 single family residential lots and 67 common lots, with one shared driveway and have reserved the name Gran Prado Subdivision. A Design Review application for the 67 common areas and buffer landscaping accompanies this application. The site is located at the north-west corner of Ten Mile and Lake Hazel Roads, the site is located Between Amity Road and Lake Hazel, west of Ten Mile Road, Kuna, Idaho, in Section 34, T 23N, R 1W, B.M. -Tabled from November 14, 2017

Kevin McCarthy: My name is Kevin McCarthy. I'm with KM Engineering, address is 9233 W State Street. What you have before you is the preliminary plat for Gran Prado Subdivision. The property is approximately 133 acres of agricultural ground. It's located south of Amity and West of Ten Mile. Earlier this year the property was annexed into the city with an R-4 zone and we are now requesting the subdivide the property into residential

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lots. What you have before you is a slightly different layout than the original layout than we submitted with our preliminary plat and this is to accommodate certain requests from ACHD and they are fully in support of the new layout you have before you. Despite the changes that we made for them we were able to keep the lot break down and everything consistent from our original submittal. There are a few additional common lots, but we have 530 buildable lots 75 common and one shared driveway lot for a total of 606 lots. In the project there is 13.6 acres of open space. We have an area set aside for a pool and changing room. Consistent with other projects my client is doing there is a master pathway along Mason Creek that will be cleared as part of this project. Additionally, we have extensive sidewalk and pathway connectivity throughout the project. We've worked extensively with the staff of the city and ACHD. We have appreciated their efforts on this project. We don't have any issues or comments on the staff report. So, with that I will stand for any questions you may have. **C/Young:** Any questions for the applicant. **C/Gealy:** Not at this time. **C/Young:** Thank you. **Troy Behunin:** Good Evening Commissioners, for the record, Troy Behunin, Planner III, 751 W. 4th Street, Kuna. The applications before you tonight are case No's 17-10-S and 17-23-DR (Pre-Plat and Design Review) is presented for your vote to recommend approval or denial to Council for the PP, and your decision on the Design Review component. The application materials have been assembled for your packets, hopefully you have had a chance to review them as needed. The changes Mr. McCarthy mentioned are now reflected in those packets that staff presented before he's presentation and those reflect the changes that ACHD required the applicant make to their project in order to accommodate their requirements. Realistically there is very little that has changed other than an increase in the lot count for the common lots. It was proposed at 67, now it sounds like it's 75. That's a fairly significant increase in common space. You'll notice he also mentioned the common spaces around 13.5 acres. So, we are looking at around 10% open spaces for the subdivision as a whole. He is correct that this land was annexed into the City of Kuna with a R-4 designation, which means up to 4 units or houses per acre. All of the noticing procedures have been followed to hold the public hearing originally, and this case was tabled properly on Nov. 14th to a date certain, tonight: the site was posted, a public notice was in the KMN, and announcement flyers were mailed to land owners within 350'. Those in attendance that night were informed of tonight's hearing. The Nov. 14th meeting was tabled because staff was awaiting the ACHD report, which delayed Kuna's staff report. Due to the delay in the ACHD report, there were several changes to the street layouts, and to the lot layouts, which, in staffs' view, do not alter the character the proposed pre-plat. These changes were a direct result to ACHD requirements and also to strike a compromise with neighbors. 1- No direct connection to Bittercreek Sub (Street), and East-West or North-South collector – Rather there is a modified East-West Collector. Staff has found during its review of the application that the original proposal, and the proposal that was handed out this evening, that it does follow and meet all of the intent and purposes of the conditions that were laid upon the annexation earlier this year. We have no concerns about that. Staff would like to point out that City Code does in fact call for vertical curb and gutter along all roadways, including Ten Mile and Amity, although it's not called out for in the plans, but it is a standard in the streets section of the City Code. The applicant seeks pre-plat approval for approximately 132.80 acres, in Kuna City limits with a previously obtained R-4 zone, which matches the Comp Plan map, designation of Medium Density Residential. This project is known as the Gran Prado Subdivision which is located at the NWC of Ten Mile and Lake Hazel Roads, it is also on the SW corner of Amity and Ten Mile. This is a very significantly large project. Staff does support the proposal for a shared driveway, as long as the applicant provides a mechanism for continuous maintenance and upkeep for the shared driveway, staff has some concerns. Applicant has also submitted for subdivision landscape design review and staff has no concerns with their proposed landscaping. Applicant will extend all public utilities to the site and anticipates 10 phases for the project total which will bring 530 total buildable lots, with a density proposed at 4.00 DUA and with 75 common lots that total approx. 12.5 acres of open space including trails and pathways throughout for connectivity. Staff has worked with the applicant to get it before you tonight, and they have submitted everything staff has asked for. Staff finds this application to

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be complimentary to the comp plan goals and the comp plan map. The one thing staff would like to point out is we did not see anything for a monument sign for the subdivision. At that time that sign would need to come to this body for approval. Other than that, I stand for questions. **C/Young:** Are there any questions for staff at this time. **C/Gealy:** Just a couple points of clarification. Where is the shared driveway? **Troy Behunin:** It's the SE corner at Earl Light where the street that run into Ten Mile Road. It's literally the very SE corner. I don't know what Lot and Block they are, but the extreme SE corner. **C/Hennis:** It looks like that emergency access we just looked at, but it's the driveway. **C/Laraway:** Question for you. About a month and a half ago we had an annexation for some properties that are just to the Southwest and part of the arraignment/agreement was that this subdivision was going to provide services to those two lots. **Troy Behunin:** Are we talking about the Person Subdivision across the canal? **C/Laraway:** Yes. **Troy Behunin:** Actually, that was the Clair Bowman Annexation. **C/Laraway:** And the services are going to come from this? **Troy Behunin:** Actually no. That was not part of that annexation because of the canal. That would be considered an extraordinary constraint to get sewer and water and other services to that lot. It would be provided from the subdivision or whatever is developed south of that property. **C/Laraway:** I understand. Thank you. **C/Young:** Any other questions for staff at this time? **C/Gealy:** What were you saying about sidewalks on Ten Mile and Amity? **Troy Behunin:** It would be curb and gutter. I'm sorry if I said sidewalks. City Code does call for curb and gutter along all roadways in city limits. **C/Gealy:** And ACHD is not requiring that? **Troy Behunin:** They don't. Not on arterials. But I have to bring it up because it is in our Code. **C/Hennis:** Is that outlined in the conditions of approval? **Troy Behunin:** It is not. Just an overreaching condition that the applicant follow all standards and requirements in City of Kuna. **C/Hennis:** OK. **C/Gealy:** So, there are no requirements for sidewalk along Ten Mile or... **Troy Behunin:** Nothing specific listed. No. Just that overreaching "Follow everything from the City." There are other developments that have requested no sidewalk recently. I imagine this will follow suit, for an arterial. Not for an interior road or a collector road. **C/Hennis:** OK. I have no further. **C/Young:** Thank you. Then at this point, we'll open up the public testimony at 7:05pm and I have listed one person in opposition to testify. Matt Christianson, please step forward and state you name and address for the record. **Matt Christianson:** My name is Matt Christianson. Address is 3649 N Lake Harbor Lane, in Boise. I am an attorney at Aceman Johnson representing the Bittercreek Meadows HOA, which is the subdivision just north of this proposed subdivision. We have essentially three concerns with the current proposal, there were other concerns related to the previous plat but some of those were address with this most recent version but are a few that still remain. The first concern we have really goes back to some of the annexation discussion. Discussion at the annexation with the lots bordering Bittercreek Meadows would be essentially larger lots. I think in the proposed plan that is accomplished for the south end where the swimming pool lot is proposed and then the corner lot just to the east of that swimming pool lot. The issue that remains is just north of that there is a large parcel that is owned by a third party, Bricker, and there is essentially a driveway lot is part of the Bittercreek HOA and it runs between what's currently proposed with several col de' sacs there. About half way down that line where it opens up to the larger Brickel parcel and so our concern is those lots just to the west of that subdivision lot are not the same size that was discussed and is depicted for those other lots to the south of the subdivision. We would like to see those reflect the same size requirements for the southern end of it. There is some discussion between the applicant and the city regarding the connection near the swimming pool lot to the existing Bittercreek Meadows road and we are in support of not connecting that road as was requested of ACHD, so we don't have a concern with that. The issue that remains though is right now the storm water from the subdivision runs to the end of that road and then there is an existing easement into a storm water drainage pond that right now is located essentially where that swimming pool lot will be. We've spoken with Mr. Eck and it is my understanding that he is willing to get that storm water run off so it doesn't affect the pool area than that easement is not necessary. We just request that any part of that approval, that he be required to continue to work with ACHD and the city to make sure there is some way to drain that storm water. The other issue stems from the existing sewer treatment for the

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Bittercreek Meadows HOA. Right now, there is a sewer line that runs from Bittercreek Meadows south and west to a sewer lagoon depicted on the plat, it is the larger parcel to the west of the proposed subdivision. There was not access on the previous plat so there was no way for us to access for service and maintenance. That, I think, has been fixed with the current proposal and the road that goes to that lagoon parcel. The issue that remains is that there is a sewer line that runs from the end of the Bittercreek Meadows neighborhood over to that sewer lagoon. And there is an easement for purposes of maintaining that sewer line that is owned by the HOA. The pipe itself, the HOA's position is, that it owns the pipe as well. I think that is a disputed issue, I don't know that Mr. Eck agrees with that. The issue that comes up with the currently existing plat is that some of the proposed lots are on top of that sewer easement. I think it's in the packet that you have, I've kind of done an overlay of where the easement runs on top of what the actual plat is. I can hand this to you so it can be on record **C/Young:** I don't know if it's... **Matt Christianson:** I can just describe it to you if you would rather. **C/Young:** That would be better. **Matt Christianson:** There's Cassina Dr which is the northern wavy on the right side and off to the west. Up until the point that it straightens out just below Hya Court the easement essentially follows that road. Once it gets to Hya Court, basically, it goes straight west over to the north of the sewer lagoon. So, the way the current plat is platted, some of those lots at the corner of Cassina Drive and Arbolt Ave, and then behind that on Hoya Ave, the easement runs across at least four or five of those lots. So, our concern is we don't want to have to access that easement by digging through someone's floor, so I think that is something that something that needs to be addressed before the plat gets ultimately approved. Do you understand where I'm saying the easement runs, which lots that may cover? **C/Hennis:** Yeah, the new lay out doesn't have the same roads as the old lay out so what you are describing isn't what's in front of me. **Matt Christianson:** What I'm describing is on the new lay out. **C/Hennis:** No, it's on the old lay out. **Matt Christianson:** I think you one you have it's still Cassina Dr, but the first corner is Cassina and Echo Messa Ave. Where if Cassina Dr went straight through rather than having those lots curve there, then Cassina would just simply follow Cassina Dr. But those lots on the corner of Echo Messa and the lots on Ridgeview Ave are the ones it would cross. **C/Hennis:** OK. **Matt Christianson:** I think those are the concerns that the HOA has at this point and I'll stand for any questions you may have for me. **C/Young:** Thank you. I'll have the applicant come back up. I neglected to ask if there was anybody else that would like to testify that has not signed up? One person. OK. Sorry about that, please come forward and sign here and state your name and address for the record. **Leslie Anderson:** My name is Leslie Anderson, I'm here with my husband Brent. We live at 3985 W Amity Rd. We are one of the properties that are inside, but not included in this subdivision. We are the first large parcel that you see in the middle that says...we didn't get a copy of this ahead of time so we were reviewing it during other business. We've been working with Tim Eck on property boundary adjustment and other issues that affect our property. The one concern we have with the new plat that we have is access to our property. It hasn't been explained to us how it changes the access to our property from the previous version. We have extensive plats and agreements in this big packet. Of the exchange agreement with all these maps and stuff. It was clear to me before this meeting how we would end up with access to our property and now that I'm looking at that, it looks like we are land locked. I want to make it known that this affects what was explained to us, what was put before us in the previous version. Yeah, we need to know where the access is going to be. Because from the looks of that we are land locked except from the south. But we are planning to split our property, it's two acres right now with a new property boundary adjustment. Tim has offered to help us split into two parcels our two acres. So, we would have access to the south parcel with the split, but I don't see how our north parcel is accessed at all. It looks kind of locked to me. We would like that clarified before this is approved. **C/Young:** He will have a chance to respond to that. OK, sorry about that. Please come up. **Tim Eck:** Good evening my name is Tim Eck, I'm the applicant. I live at 6152 W Half Moon Ln in Eagle, ID. Let me go over the last question asked. ACHD had problems with the street that ran through that N-S flag down the middle. That N-S flag would have turned and basically, we were providing an easement off that straight into

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the Anderson's property. When they made us move it to the left I still had intent to provide access. So, you see the road now comes down the west side of that flag into a T intersection and the road turns East and West. Where it turns to the East, that is not a col de' sac. It's a stub street with a permanent turn around. The Anderson's can have access anywhere they want. I never had any intention, well I do it a couple of time my engineers missed it a couple times. So, it can be where ever you want, you go down that road and you would turn in that same driveway location, but I want to sit down with each and every one of you to make sure you get exactly what you want. **Leslie Anderson:** I still see some problems. **Tim Eck:** Well, it would basically be like driving down any road and turning into your driveway. That's a full road section, that east-west section is a full road section and basically your parcel will now have frontage on that entire road section. ACHD is the one that pushed that thing. The shared driveway will be HOA maintained because it will also serve as a temporary emergency vehicle ingress/egress out of the site. Then when it is done it will be a shared driveway, it will also provide a connecting pathway within the subdivision to Ten Mile. So, once it gets past the point of being a driveway and is no longer needed for emergency vehicles then it can be landscaped and an asphalt bypath put into it. I think it serves two or three lots in the interim and then the reason we had to configure like that instead of the traditional knuckle is that is our sewer portal. The sewer actually comes out of the project through that. If we went further up the street with our sewer we'd be coming out of the ground about ready to go with the sewer. That will also provide a temporary point of ingress and egress. We have a split entrance coming in. The fire department can consider that as two entry points, sometimes they do sometimes they don't. We want this as a backup. If they will accept the split entrance as two points then we will put the driveway component in and landscape it. If the fire department wants it as a second point of ingress and egress we try to have all those bases covered. So, the large lot buffer discussion that took place in both Planning and Zoning and City Council were stemmed to the original design that had us connected to Bittercreek. All of the intent and focus was specifically at that north Bittercreek boundary. All the questions that were asked, all the agreements that were made, were specific to a large lot buffer along the boundary. The finding of facts and conclusions of law state, "and place a minimum lot size of 0.75 acres against the south line of the Bittercreek subdivision." And that's what we've got. The original layout had a long strip going out to Amity, and we had narrow, deep lots – they were 150 feet deep. Which would have put 20 lots on either side of the road. With this configuration, we've reconstructed it, so now along that flag on that east side we only have nine lots. The Brickers own a 50-foot-wide lot. It was platted in the Bittercreek Meadows subdivision. I find no information that it is part of the association. It is not a common lot, it is owned, fee simple, by the Brickers. It is a 50-foot-wide driveway. It is also a potential point of ingress and egress for emergency vehicles or a road. They'd never get a road there now because there is one on either side, but it could be a point of emergency vehicle ingress and egress. Relative to the Bricker strip there is a 50-foot buffer, 50-foot separation between the west boundary of Bittercreek and our east boundary, we've reduced the density down from 20 to nine. As you can see, there is a maximum of two lots directly behind each Bittercreek lot. Although it is 50-foot away and two six-foot fences. But again, the conditions of approval for the annexation were specifically to provide buffer lots, ¾ acre lots, along the south boundary of Bittercreek. We've subsequently, at their request, removed the connection just trying to cooperate with them. I've had to work extensively with the City Counsel and ACHD to get that accomplished, but I've gotten them all on board. Storm water easement relocation, we have to look into the ****inaudible**** to find out what is recorded out there. If there is a storm water easement out there, ACHD, when we get to design that base, will make us address it. If there is not an easement and there is storm water going onto our property, ACHD will make us address it. It's their storm water, they are going to make us address it. Very likely, if it is just running off the end of the street it will have to be captured. If it is coming through a convenience system we'll have to tie that into our storm drain facilities when we get there so then it will go into a seepage bed. The easement they talked about, there is a sewer line that runs from their subdivision out to that pond. There was a big litigation several years ago. Prior to that litigation occurring, I bought the

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property. Together with any and all the impertinence to. The pipe line they are talking about is mine, until they can prove differently because it's an impertinence. It's a pipe in my ground. They do have an easement for the use of the line, and for ingress and egress for maintenance. No other use. Now the whole litigation between them and the City was the City was to build a lift station. It canceled, these people are stuck with out sewer.

C/Hennis: When you say that, that was the City of Meridian? **Tim Eck:** Yes sir. I convinced Kuna to step up and allow them to connect. I'm bringing a sewer main to them in phase four. I have an agreement with the City of Meridian, that when we bring the sewer main to their boundary, we will connect them. The City of Meridian is paying their connection fees, all their fees. When we get there, I have a commitment with Meridian to make that connection, I've got a commitment with Kuna to make that connection. Once that happens, that sewer line is abandoned. They are on a temporary evaporation pond that was intended to last three years. They are ten years in. It will be five years before I get there. When I get there, they are 15 years into a facility that was intended to be removed in three. DEQ is not going to let it stay. There will be an immediate requirement for abandoning the lagoon, decommissioning it, taking it off line. Our design, as you can see, is extremely complicated. We've had to deal with these flags, deal with two out parcels in the middle and follow an existing sewer line. Which we've done, up to the point it turns and goes to the lagoon. As soon as I make that connection to that sewer that comes out of their property, from that point the line at the lagoon is abandoned. It's disconnected. Now if I can tie it in and use it and go to our lift station, we will. Again, I got a purchase and sale agreement recorded before they got into their litigation with the city (Meridian) where I bought it. **C/Young:** So, the connections that would be made will most likely be in phase four? **Tim Eck:** Yes sir. **C/Young:** And that the rest of that sewer line are in five, seven and ten? **Tim Eck:** No, it's just five and seven. It runs through five. We've designed the road in five to follow that sewer. **C/Young:** So that would connection would happen prior to that development? **Tim Eck:** Yes. A full phase in advance. I think I've kind of hit the highlights. We've complied with the large lot buffers along the south boundary. We've got one at $\frac{3}{4}$ acre and the other one is 7,7000 square feet. So, it's huge. All of the other lots along that line are 20, I think there is one of them that is 12, but they are 19 to 20. They are all very large lots to the south of the Bricker property. Then to the west, we are 50 feet away, but our west line faces their east line we have two lots for their one. So, we do have larger lots there even though we have no requirement, no commitment, no discussion through planning and zoning and city council through the annexation process to provide a large lot buffer on that side. I have council here with me tonight that I would like to step up and he will address the legal aspect of the easement, if that's ok?

C/Young: OK. Please state your name and address for the record. **Tom Deborak:** Lady and gentlemen of the Planning and Zoning Commission, I'm Tom Deborak. I'm with Given Persly, council for Renaissance Farms LLC. Mr. Eck did a very fine job of presenting his position and I would say understands it a lot better than I ever will. Mr. Eck has worked and is very competent and commendable developer. I just want to say a few words about what's raised today and what struck me. First off, on the issue of the driveway going to the Bricker lot. What wasn't mentioned by Mr. Christianson, the attorney in behalf of the HOA, was Mr. Bricker's ownership. Clearly, they're not claiming that Mr. Bricker and his big lot, which is outside of that subdivision, is part of the subdivision. It's not part of the subdivision. Mr. Bricker didn't show up at the initial hearing on the application for annexation, which is part of the reason all the discussion focused on the south-east corner of the Bittercreek Meadows subdivision. That's what was talked about. So that sort of struck me as somewhat a malleolus, that there are claiming that his driveway, which in and of itself, as Mr., Eck pointed out, works as a buffer zone, but that Bricker's driveway somehow that is part of this agreement for a higher density lots on the driveway, but they are not claiming it's part of the Bricker lot next to it. So even that is inconsistent in and of itself. Again, I think it just goes to the point that Mr. Eck in good faith as come forward. He's talked about what he's willing to do and he's made accommodations, and those were focused, as he said, at the south-east corner of the Bittercreek Meadows subdivision, not on the west side because this driveway of the Bricker lot isn't even contiguous. It effectively already has a buffer zone already in place. Moving to the storm water issue, Mr. Eck

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adequately covered that. Clearly, what seemed ironic to me about that was, Mr. Eck was responding to a concern. He had to push in order to not have the connectivity in that. But he did that to accommodate the HOA. As soon as he accommodates in one respect, now their asking him to say, "Well wait a minute. Now you have to handle the storm water." Well, of course he's going to handle the storm water. But I bring this up because he was trying to move in one direction to help them and now it's being raised as an issue against him. I am certain that what he said is if there is indeed an easement, if there is an obligation to take this storm water, when that design phase comes, as Mr. Eck said, ACHD is going to require him to take care of it. And he will do that. Moving then to the easement and with respect to the easement for the sewer drainage across the property of Renaissance Farms, I think it should be lost, and I know it's not lost on this council, that Mr. Eck was instrumental to the solution of that. That's a problem. You have a three-year facility that is beyond it's useful life. There's litigation with the City of Meridian over that. Mr. Eck really should be regarded by those homes owners as a hero for stepping into the situation and finding a solution. He is providing connectivity to the sewer system and he has negotiated to go through that in phase four. He should be commended for that, but he's not commended. Their reasoning issue now saying, "Well, that temporary easement that's running through, we're concerned about where it's going to be." Well ladies and gentlemen, I'd submit, just like the ownership of the pipe that's really a question for court. If there is an issue that really matters in that, that's something we can go to court over and we can let a Judge resolve that with what we call a quiet title. But I'd submit that your job today, as the council on this, in trying to decide as a planning and zoning commission, is basically to determine if the R-4 standards are being met, the compliance is being met. You have a staff report that says that. You have the reports from ACHD and everybody else is satisfied and the staff is satisfied. I submit that you shouldn't step in and play judge of property disputes. It's not what your jurisdiction is all about. If that is a real issue it can be settled in courts and there certainly ways to bring it up quickly in court, if it really is something that has to be addressed, but frankly I doubt that. That's my perspective as an attorney and I wanted to bring it and share it with you. Thank you for your time. **C/Young:** Thank you. **Tim Eck:** One more thing. By the time we would get to the point where the road is not on the easement, it's about six years from now. So that issue will be long resolved by then. And I stand for any questions. **C/Young:** Ok. Are there any further questions for the applicant? **Tim Eck:** Also, we have a lot of pride in the connectivity that we are trying to provide. I think you'll see an insane amount of interior pathway connectivity's as you've seen in all my plats. I'm getting better at doing it. Along with the whole Mason Creek Greenbelt and connectivity across the whole project. You're familiar with our Springhill project a mile away. It picks up again there and we have all intent in the world to work with the intermediate mile property owners, which is predominately the Durants who are very community oriented. They just sold a great piece of property for the high school. I want to work with them and see if we can get that mile bridged and get a two and a half to three-mile greenbelt with bicycle connectivity to the new high school site. **C/Young:** Thank you very much. With that I'll close the public testimony at 7:35pm. **Member of the Audience:** Is there a chance for rebuttal to what was said? **C/Young:** Not at this time. **Member of the Audience:** Than I would just like to say I disagree with what was said. **C/Young:** Ok. Thank you. That brings up our discussion. **C/Damron:** What we saw with the last one, the first one we had, that DEQ is coming down on the lagoon systems. So, and this is a three-year system and he's providing a good option. **C/Laraway:** He's providing a good option for Bittercreek to hook in at no cost because that's going to be expensive. I think that's a great addition to, as he puts it, for those people. **C/Hennis:** Yeah, because again this has been something that's been in litigation for a while, as to try to figure out what their options are. They are far beyond the useful life of their systems. **C/Damron:** And if he doesn't design this in the correct manor to where they can hook up to it, then we have an issue of where are they going to hook. Where are they going to connect once the DEQ says you can no longer use that lagoon. So, it's better to design it into a subdivision that's coming into existence, where it's easy to do. As opposed to trying to come in afterwards and say, "What do we do with this?" **C/Hennis:** I agree. **C/Young:** I'm also glad he was able to convince ACHD to not have access through

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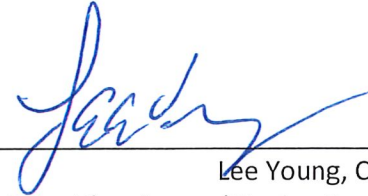
Bittercreek. I think that's a great thing for the existing Bittercreek subdivision there. **C/Gealy:** I do have one concern. With respect to that. That is that terminus there, that is not going to be a through street anymore, needs to have adequate turning radius for emergency vehicles because there is no other way out or in. That it should remain. **Troy Behunin:** It will remain. It's actually outside the boundary of this proposal. And ACHD has already determined that terminus is sufficient for their needs for emergency access, and it will remain as it is right now and serve the daily needs and the emergency needs. Besides that, it's beyond the boundary of this proposal. **C/Gealy:** The map I have has it drawn in as a single lane road, and that would be insufficient. **Troy Behunin:** That would be an inaccurate drawing then. The actual real world would show there is a turn around. **C/Young:** Thank you. As far as traffic impacts go. Looking at ACHD's report and the traffic study, with the requirements that ACHD has placed on Amity and Ten Mile and Lake Hazel and Ten Mile, with the Caspian Subdivision and intersections to the east and north as everything develops, I think there's some pretty good checks and balances for traffic. As this goes as well as what else is developing south and east of there. So, I'm in agreement with ACHD with their requirements for those intersections as it develops. I'm also glad they are requiring the Ballard Drive go all the way to Ten Mile. They needed another access point. Which when this updated plan came out here in front of me, it answered a fair amount of my questions going forward through here, as well as some of my landscape issues to the south. It kind of cleaned that out. **C/Hennis:** I think I like the revised layout a little better. Especially on the northern jog on it. Kind of like the little col de sac's area's there. It gives a little bit larger lots on that border side than what the previous layout had. And the access to the Anderson's lot and the other parcels there too. In regards to that easement as it comes off of Pacino Drive there, like he said I just don't think that's going to be a viable argument with that easement because it's not going to be used by that point. They are going to have sewer provided to them. And by that point, anyway, I don't think DEQ will allow it either. I don't see any issues here. **C/Gealy:** I appreciate the additional effort providing transitional lots to some of the larger lots in the surrounding area. And I appreciate the additional effort in providing the pathways and amenities. I think it will make for a more livable community. **C/Laraway:** I think the only issue I had, and it was addressed, was this lady's entrance, her access. That's the only thing within this subdivision that seemed to be an issue. With the litigation portion, completely out of my hands. All I have is what's before me. And I agree, easement is not ownership. Again, litigation out, the only thing I was concerned with was this lady's entrance, and if your going to take care of that, I don't have a problem. **C/Hennis:** The one thing that Troy had brought up with the vertical face curb and gutter, which according to the roadway sections here, they need to work with the city and make sure that is in compliance. Because they are not showing vertical curbs. **C/Young:** On Amity and Ten Mile? The arterial streets. **C/Hennis:** It's real vague what the city requirements are for street on the interior. So, they just need to check that. I'm not even exactly sure what that is now, that these comply. **C/Young:** Any other thoughts or questions? Then I will stand for a motion at this point.

Commissioner Hennis motions to recommend approval to City Council Case No. 17-10-S (Pre-Plat) for the Gran Prado Subdivision with the conditions as stated in the staff report as well as the applicant to work with the city on the requirements for curb and gutter on roads as well as working with ACHD at the time of phasing occurs to the boarder of Bittercreek to address the storm water requirements; Commissioner Damron Seconds, all aye and motion carried 4-0.

Commissioner Hennis motions to approve 17-23-DR (Design Review) for the Gran Prado Subdivision with the conditions as stated in the staff report, with the additional requirements to work with the city on curb and gutters on the streets and to address any storm water requirements on the northern boundary; Commissioner Gealy Seconds, all aye and motion carried 4-0.

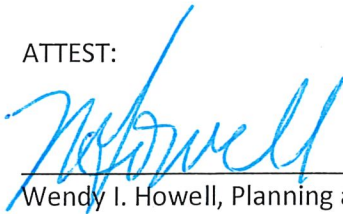
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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department